

**2005 (SIXTH) AMENDMENT
TO THE
AMENDED REDEVELOPMENT ENABLING PLAN
FOR
CATHEDRAL CITY REDEVELOPMENT PROJECT NO. 3**

**Adopted _____, 2005
Ordinance No. _____**

Prepared by the

**REDEVELOPMENT AGENCY OF THE CITY OF CATHEDRAL CITY
CATHEDRAL CITY, CALIFORNIA**

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PREFACE

The City of Cathedral City is proposing this 2005 Amendment to the Amended Redevelopment Enabling Plan for Cathedral City Redevelopment Project No. 3 - Amendment No. 6 ("2005 Amendment"). The Redevelopment Plan for Redevelopment Project No. 3 was adopted on November 30, 1984, by Ordinance No. 91. The Redevelopment Plan has been amended five times, on December 14, 1994, by Ordinance No. 410, on April 28, 1999, by Ordinance No. 503, On July 9, 2003, by Ordinance No. 579, On November 5, 2003, by Ordinance No. 582, and on July 28, 2004, by Ordinance No. 593. The 1994 amendment added and revised the plan's financial time limits to bring them into conformity with new Community Redevelopment Law maximums established in AB 1290 (Chap. 942, 1993 Statutes). The 1999 amendment allowed for the extension of the limit on the receipt of tax increment. The July 2003 amendment excised a certain portion of the project area adjacent to Project Area No. 1. The November 2003 amendment eliminated the time constraints on establishing debt. The 2004 amendment extended the life of the Redevelopment Plan by one year pursuant to Section 33333.2(c) of the Health and Safety Code.

This proposed 2005 Amendment provides for the acquisition of property through the exercise of the power of Eminent Domain in those areas listed below which comprise the 2005 Amendment Area. The changes made by this 2005 Amendment are not to be construed to amend, modify, change, or affect in any way the text of the Redevelopment Plan as it applies to the territory within the boundaries of Project Area No. 3, with the exception of the properties shown on the attached map entitled "Attachment A – 2005 Amendment Area Map" and further described in attached legal description entitled "Attachment B – 2005 Amendment Area Legal Description," herein collectively referred to as the 2005 Amendment Area. The 2005 Amendment Area is generally described as that area in the City of Cathedral City located north of Ramon Road to the west of the Whitewater River Channel and southeast of the Dream Homes Tract (Tract # 14288 and the Palm Springs Country Club Estates).

For convenience and clarification purposes, and where appropriate, the amendments contained in this proposed 2005 Amendment show both the current text of the Redevelopment Plan and the proposed changes and/or additions to such text. Wherever words, phrases, sentences, or paragraphs are deleted, they are shown lined through, thus: ~~deleted~~. Wherever words, phrases, sentences, or paragraphs are added, they are shown underlined, thus: add. It is intended that upon adoption of this 2005 Amendment and the subsequent printing of the Redevelopment Plan as amended by this 2005 Amendment, the deleted words shall be omitted and added words shall not be underlined.

Redevelopment Agency of the City of Cathedral City
2005 AMENDMENT TO THE REDEVELOPMENT ENABLING PLAN
FOR
CATHEDRAL CITY REDEVELOPMENT PROJECT NO. 3

AMENDMENT NO. 1

That the title page of the Redevelopment Enabling Plan (the "Plan") be changed to identify December 14, 1994 and Ordinance No. 410 as the date and ordinance number of the First Amendment to the Plan, April 28, 1999 and Ordinance No. 503 as the date and ordinance number of the Second Amendment, July 9, 2003 and Ordinance No. 579 as the date and ordinance number of the Third Amendment, November 5, 2003 and Ordinance No. 582 as the date and ordinance number of the Fourth Amendment, July 28, 2004 and Ordinance No. 593 as the date and ordinance number of the Fifth Amendment and to identify the date and ordinance number of this 2005 Amendment.

AMENDMENT NO. 2

That the first paragraph of Section 100, AUTHORITY, be amended to read as follows:

"This Redevelopment Enabling Plan (hereinafter 'Plan') for the Cathedral City Redevelopment Project No. 3 (hereinafter 'Project') was prepared by the Cathedral City Redevelopment Agency in accordance with the California Community Redevelopment Law, California Health and Safety Code Section 33000 et. seq., and all applicable laws and ordinances. The Plan was originally approved and adopted by the City Council of the City of Cathedral City by Ordinance No. 91, adopted November 30, 1984 and has been amended ~~three~~ six times, by Ordinance No. 410, adopted December 14, 1994; by Ordinance No. 503, adopted April 28, 1999; by Ordinance No. 579, adopted July 28, 2003, by Ordinance No. 582, adopted November 5, 2003, by Ordinance No. 593, adopted July 28, 2004, and by Ordinance No. _____, adopted on _____, 2005. This document reflects the Plan inclusive of the ~~three~~ six amendments. The 1994 amendment brought Project time limits into compliance with changes to the Community Redevelopment Law resulting from the enactment of AB 1290 (Chap. 942, 1993 Statutes). The 1999 amendment extended the time limit on the receipt of tax increment. The 2003 amendment removed certain territory from the Project Area. The July 2003 amendment excised a certain portion of the project area adjacent to Project Area No. 1. The November 2003 amendment eliminated the time constraints on establishing debt. The 2004 amendment extended the life of the Redevelopment Plan by one year pursuant to Section 33333.2(c) of the Health and Safety Code. The 2005 amendment authorizes the use of eminent domain for twelve years on certain properties within the Project Area. This Redevelopment Enabling Plan consists of this text, the Amended Redevelopment Enabling Plan Map (Appendix 'A'), Amended Legal Description (Appendix 'B'), and a list of Public Improvements (Appendix 'C')."

AMENDMENT NO. 3

That Section 321, Acquisition of Real Property, is amended to read as follows:

"1. (§321) ACQUISITION OF REAL PROPERTY

The Agency may acquire, but is not required to acquire, any real property located in the Project Area by gift, devise, exchange, purchase, or any other lawful method, including eminent domain, subject to the exceptions specified in this section. The Agency is authorized to acquire structures without acquiring the land upon which those structures are located. The Agency is also authorized to acquire any other interest in real property less than a fee. The exercise of the right of eminent domain, if necessary, to acquire property within the Project Area shall be commenced by the Agency within twelve (12) years following the adoption of this Redevelopment Plan Amendment on _____, 2005. Said time limitation may be extended only by amendment of this Plan.

Properties may be acquired and cleared by the Agency if a determination is made that one or more of the following conditions exist:

1. The building must be removed in order to assemble land into parcels of reasonable size and shape to eliminate that impediment to land development;
2. The building is substandard as demonstrated by an inspection of the property by the Building Department of the City of Cathedral City.
3. The building must be removed in order to eliminate an environmental deficiency, including, but not limited to, incompatible land uses and small and irregular lot subdivisions;
4. The building must be removed to provide land for needed public facilities, including among others, rights-of-way, public safety facilities, public recreational facilities and open space, and other public utilities.
5. To the extent eminent domain is to be used, the property is located within the boundaries as set forth in Appendix D (2005 Amendment Area Map) and Appendix E (2005 Amendment Area Legal Description) of this Redevelopment Enabling Plan.

Properties which may not be acquired by eminent domain include the following:

1. Property owned by public bodies which do not consent to such acquisition. The Agency is authorized, however, to acquire property devoted to a public use;
2. Real property to be retained by an owner, either as a conforming owner or pursuant to a participation agreement, if the owner fully performs under the agreement; or
3. Real property on which an existing building is to be continued on its present site and in its present form and use may not be acquired by eminent domain without the consent of the owner unless:
 - a. The building requires structural alterations, improvements, modernization or rehabilitation;
 - b. The site or lot on which the building is situated requires modification in size, shape or use; or
 - c. It is necessary to impose upon such property any of the standards, restrictions and controls of this Plan, and the owner fails or refuses to participate in this project by executing an Owner Participation Agreement.
4. Real property located outside the boundaries as set forth in Appendix D (2005 Amendment Area Map) and Appendix E (2005 Amendment Area Legal Description) of this Redevelopment Enabling Plan.

Other provisions of this section notwithstanding, the Agency shall not acquire from any of its members or officers any property or interest in property except through eminent domain proceedings.

AMENDMENT NO. 4

That Appendix D - 2005 Amendment Area Map - be inserted in its entirety, with the Map attached hereto as Attachment "A", after Appendix C.

AMENDMENT NO. 5

That Appendix E - 2005 Amendment Area Legal Description - be inserted in its entirety, with the legal description attached hereto as Attachment "B", after Appendix D.

ATTACHMENT A

2005 Amendment Area Map

ATTACHMENT B

2005 Amendment Area Legal Description

RESOLUTION NO. _____

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF CATHEDRAL CITY RECEIVING THE PROPOSED 2005 AMENDMENT TO THE AMENDED REDEVELOPMENT ENABLING PLAN FOR REDEVELOPMENT PROJECT NO. 3, AND AUTHORIZING THE PROVISION OF THE PROPOSED THIRD AMENDMENT TO RESIDENTS, BUSINESSES, PROPERTY OWNERS, AND COMMUNITY ORGANIZATIONS, AND SUBMITTAL TO THE CITY OF CATHEDRAL CITY PLANNING COMMISSION FOR REPORT AND RECOMMENDATION

WHEREAS, the Planning Commission of the City of Cathedral City ("Planning Commission") has determined that it is necessary and beneficial to amend the boundaries of Redevelopment Project Area No. 1 and Redevelopment Project No. 3 to delete certain properties from Redevelopment Project No. 3 and add such properties to Redevelopment Project Area No. 1, which boundary amendments would become effective only if and when the City Council of the City of Cathedral City adopts appropriate amendments to the respective Redevelopment Plan for each project which effectuate such property deletion and addition; and

WHEREAS, by Resolution No. ____ the Planning Commission on _____, 2001 amended the Preliminary Plan for Redevelopment Project No. 3 by selecting the boundaries of the area to be deleted from Redevelopment Project No. 3, and selected and designated the area deleted from Redevelopment Project No. 3 as the area proposed to be added to Redevelopment Project Area No. 1, approved the Preliminary Plan for the Area Added to Redevelopment Project Area No. 1 ("Preliminary Plan"), and directed that the Preliminary Plan be submitted to the Redevelopment Agency of the City of Cathedral City ("Agency"); and

WHEREAS, the Agency has prepared a third amendment ("Third Amendment") to the Amended Redevelopment Enabling Plan for Redevelopment Project No. 3; and

WHEREAS, the California Community Redevelopment Law (Section 33000 *et seq.*, Health and Safety Code) provides in Section 33385(f) that if a project area does not contain a substantial number of low and moderate income individuals, the redevelopment agency shall consult with and obtain the advice of residents and community organizations, and provide such persons and organizations with the proposed redevelopment plan amendment prior to submitting it to the legislative body; and

WHEREAS, the California Community Redevelopment Law provides in Section 33356 that prior to a joint public hearing on the proposed Third Amendment, the Agency shall submit the proposed Third Amendment to the Planning Commission for its report and recommendation.

NOW THEREFORE, THE REDEVELOPMENT AGENCY OF THE CITY OF CATHEDRAL CITY DOES RESOLVE AS FOLLOWS:

Section 1. The proposed Third Amendment to the Amended Redevelopment Enabling Plan for Redevelopment Project No. 3 is hereby received in the form attached hereto.

Section 2. The Executive Director is hereby authorized and directed to provide copies of the proposed Third Amendment to Project Area residents, businesses, property owners, and community organizations.

Section 3. The proposed Third Amendment is referred to the Cathedral City Planning Commission for its report and recommendation.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2003.

Chair

ATTEST:

Secretary

APPROVED AS TO FORM:

Legal Counsel

[ATTACH A COPY OF THE PROPOSED THIRD AMENDMENT TO THE RESOLUTION]